

Minutes of the Regular Meeting of the Township Committee of the Township of Hillsborough, in the County of Somerset, State of New Jersey, held in the Municipal Complex at 7:30 p.m. on the above date.

Upon call of the roll, the following Committee members were recorded present: Committeeman Anthony Ferrera, Committeeman Carl Suraci, Committeeman Robert C. Wagner, Jr., Deputy Mayor Gloria McCauley and Mayor Frank DelCore. Also, in attendance were Township Attorney Albert E. Cruz, Township Administrator/Clerk Kevin P. Davis and Administrative Assistant Siobhan Weikel.

Following Roll Call and Salute to the Flag, Mayor DelCore said this past week has seen a number of tragedies that should be recognized tonight. At least 25 coal miners lost their lives in a mining accident in West Virginia last week. This was followed by 96 people, including the President of Poland and numerous other leaders of Poland's democratic government, dying in a plane crash en route to a memorial service in Russia. Mayor DelCore reported here locally, there has been the shocking and unbelievable loss of our former Congressman, Bob Franks, who was a state leader and a great friend of Hillsborough during his time in Congress.

Mayor DelCore said our thoughts and prayers are with the families of those miners, the people of Poland, and with the Franks family during this very difficult time. Mayor DelCore asked for a moment of silence in memory of all of these unfortunate and tragic losses.

Mayor DelCore advised that notice of this Regular Session was made in accordance with Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975, by posting on the bulletin board at the Municipal Building and by mailing to the Township's official newspapers, a notice that this regular session would take place at the Hillsborough Municipal Building at 7:30 p.m. on April 13, 2010.

Mayor DelCore stated, we have quite a number of Proclamations to present tonight to many Hillsborough residents who have outstanding achievements that deserve recognition, and it has created a nearly full house.

Mayor DelCore said we are most appreciative of all of you for coming out tonight.

Mayor DelCore announced we are going to set aside a few moments for Hillsborough to participate in a very important, nationwide program, the commemoration of the National Days of Remembrance.

#### **COMMEMORATION OF THE NATIONAL DAYS OF REMEMBRANCE**

Mayor DelCore reported the National Days of Remembrance; this year from April 11th to April 18th, annually commemorates the memory of the victims of the Nazi holocaust.

Mayor DelCore said this year, in marking the 65<sup>th</sup> anniversary of the end of World War II, the National Holocaust Memorial Museum in Washington, D.C., has invited government, civic, and religious organizations to join in not only remembering the victims of the holocaust, but to also pay tribute to the U.S. Soldiers who helped to liberate Nazi death camps.

Mayor DelCore said Hillsborough is honored to participate in this nationwide program tonight. In addition, a special video entitled 'Why We Remember the Holocaust,' prepared by the National Holocaust Memorial Museum, will be shown throughout the month on TV-25, immediately following the Township Committee meetings.

Mayor DelCore stated most of the concentration camps were liberated by allied soldiers in April 1945, 65 years ago. The number of the remaining holocaust survivors and soldiers who can offer first-hand accounts of the fact of the holocaust is dwindling to just a few.

Mayor DelCore said Holocaust remembrance is about not forgetting. It is about memorializing the memory of the millions of Jews and others, men, women and children, who faced years of terror and were systematically murdered in the Nazi genocide. Mayor DelCore stated it is about ensuring that that horror is not erased from the world's memory by time, by the passing of those who witnessed it or lived it first hand, or by revisionist history, as some would do.

Mayor DelCore said remembrance is about vigilance. To paraphrase the well known quote from the famous philosopher George Santyanna, if we fail to maintain the memory of the holocaust and the evil that created it, we may well be doomed to repeat it.

Mayor DelCore announced tonight, Rabbi Robin Nasfshi of Hillsborough's Temple Beth-El, has joined us to lead the Days of Remembrance program observance.

## PROCLAMATIONS

- *Proclamation declaring April 11-17, 2010 as National Library Week*

*WHEREAS, libraries everywhere play a vital role in supporting the quality of life in their communities; and*

*WHEREAS, our nation's school, academic, public and special libraries make a difference in the lives of millions of Americans today, more than ever; and*

*WHEREAS, librarians are trained professionals, helping people of all ages and backgrounds find and interpret the information they need to live, learn and work in a challenging economy; and*

*WHEREAS, libraries serve as crucial technology hubs for people in need of free Web access, computer training, and assistance in finding job resources; and*

*WHEREAS, libraries are part of the American Dream- places for opportunity, education, self-help and lifelong learning; and*

*WHEREAS, library use is up nationwide among all types of library users, continuing a decade-long trend; and*

*WHEREAS, The Hillsborough Public Library is making a difference in the lives of the people of Hillsborough Township; and*

*WHEREAS, libraries, librarians, library workers and supporters across America are celebrating National Library Week.*

**NOW, THEREFORE, BE IT PROCLAIMED**, that we, the Mayor and Township Committee of the Township of Hillsborough, hereby proclaim April 11-17, 2010 as National Library Week.

**BE IT FURTHER PROCLAIMED** that we encourage all residents to visit the Hillsborough Public Library the week of April 11<sup>th</sup> to take advantage of the wonderful library resources available and thank their libraries and library workers for making information accessible to all who walk through the library's doors.

- Proclamation honoring Jeanette Elizabeth Brown for the Outstanding Women of Somerset County Volunteerism Award

**WHEREAS**, Hillsborough Township resident Jeannette Elizabeth Brown will be recognized by the Somerset County Commission on the Status of Women in celebration of Women's History Month when they present their awards on March 26<sup>th</sup> at the Imperia; and

**WHEREAS**, Ms. Brown will be honored for her contributions in the category of Volunteerism; and

**WHEREAS**, Ms. Brown, a retired chemist, has lectured at numerous career days and special scientific outreach programs for students, especially women and minority students, of all educational levels from elementary school to college; and

**WHEREAS**, Ms. Brown is the 2005 recipient of the American Chemical Society's Dreyfus Award for mentoring minorities in science and was also elected to the Hunter College Hall of Fame for her work as a mentor for young children; and

**WHEREAS**, after being diagnosed with Chronic Lymphocytic Leukemia in January 2005, Ms. Brown became an active member of the Leukemia and Lymphoma Society and raised a total of \$10,000 for the "Light the Night Campaign"; and

**WHEREAS**, Ms. Brown, who is currently in remission from Chronic Lymphocytic Leukemia, remains a patient advocate for others who are afflicted with the disease; and

**WHEREAS**, Ms. Brown is a member of the board of Home Sharing, Inc, an organization that helps people find affordable housing by matching people seeking an affordable place to live with property owners who would like to share their homes with suitable tenants;

**WHEREAS**, Ms. Brown is currently writing a book about African American women chemists in the hopes of inspiring women, especially those of a minority, to pursue careers in science.

**NOW, THEREFORE, BE IT PROCLAIMED** by the Mayor and Township Committee of the Township of Hillsborough that Ms. Jeannette E. Brown is hereby recognized for unwavering commitment to helping the community.

**BE IT FURTHER PROCLAIMED** that we join the Somerset County Commission on the Status of Women in saluting Ms. Jeannette E. Brown for a job well done and wish her continued success in the future.

- Proclamation honoring Hillsborough High School (HHS) senior, Frank Mitchell, for scoring 1000 points during his Varsity Basketball Career

**WHEREAS**, Frank Mitchell, a member of the 2009-2010 Hillsborough Varsity Basketball team, surpassed the prestigious milestone of 1,000 career points during the game against Bridgewater-Raritan High School on February 4<sup>th</sup>, 2010; and

**WHEREAS**, we, the Township Committee of the Township of Hillsborough, recognize the many hours Mr. Mitchell has devoted to improving his basketball skills throughout his youth and high school years making sacrifices in order to achieve this highly coveted milestone; and

*WHEREAS, Mr. Mitchell has attained this personal milestone while remaining focused on the primary goal of overall team success, with the team achieving an all-time school record with 20 wins and advancing to the Group 4 North 2 New Jersey State Championship game; and*

*WHEREAS, Mr. Mitchell's individual accomplishment and the Hillsborough Varsity Basketball team's overall success will serve as a goal to many future Hillsborough basketball players;*

*NOW, THEREFORE, BE IT PROCLAIMED that we, the members of the Hillsborough Township Committee, do hereby recognize and extend our sincere congratulations to Frank Mitchell for having scored 1,000 points during his Varsity basketball career at Hillsborough High School, an honor for him as well as for those who have coached him and were teammates to him, with best wishes for a bright future.*

- *Proclamation honoring Jennifer Klejst for winning the 1<sup>st</sup> place award in the Princeton University 2010 Martin Luther King, Jr. Literary Arts Contest for the 9<sup>th</sup> and 10<sup>th</sup> grade level*

*WHEREAS, Jennifer Klejst, a 9<sup>th</sup> grade student at Stuart Country Day School of Sacred Heart, has won the 1<sup>st</sup> Place Award in the Princeton University 2010 Martin Luther King, Jr. Literary Arts contest for the 9<sup>th</sup> and 10<sup>th</sup> grade level; and*

*WHEREAS, Ms. Klejst has devoted countless hours in creating her winning comic book submission that she titled "All We Need is Love," which was comprised of three stories focusing on social justice issues; and*

*WHEREAS, Ms. Klejst's winning essay met the challenges of the contest to create an original work that motivates and informs readers on a "dream for a society that is structurally and morally just, and furthers the idea of equality that is embedded in the ideals of the American dream;" and*

*WHEREAS, Ms. Klejst included references from the Declaration of Independence, The Preamble to the Constitution, and Amendment 14, Section 1 of the Bill of Rights in an exemplary manner and is deserving of the honor bestowed upon her; and*

*WHEREAS, Ms. Klejst serves as an example to the youth through her high level of personal achievement and leadership.*

*NOW, THEREFORE, BE IT PROCLAIMED that we, the Mayor and Township Committee of the Township of Hillsborough, do hereby recognize and extend our sincere congratulations to Ms. Jennifer Klejst for winning the 1<sup>st</sup> Place Award in the Princeton University 2010 Martin Luther King, Jr. Literary Arts Contest for the 9<sup>th</sup> and 10<sup>th</sup> grade level, an honor for both her and for those who have guided her.*

- *Proclamation honoring Jocelyn Gardner for winning the 3<sup>rd</sup> place award in the Princeton University 2010 Martin Luther King, Jr. Visual Arts Contest for the 9<sup>th</sup> and 10<sup>th</sup> grade level*

*WHEREAS, Jocelyn Gardner, a 9<sup>th</sup> grade student at Stuart Country Day School of the Sacred Heart, has won the 3<sup>rd</sup> Place Award in the Princeton University 2010 Martin Luther King Visual Arts Contest- for the 9<sup>th</sup> & 10<sup>th</sup> grade level; and*

*WHEREAS, Ms. Gardner has devoted countless hours in drawing her winning artwork titled "Harmony," a symbolic representation of the ideal racial harmony championed by Dr. Martin Luther King, Jr.; and*

*WHEREAS, Ms. Gardner's artwork, a detailed and striking photorealistic, charcoal pencil drawing of piano keys, balanced by rhetorical text in various colors and types of handwriting, challenges the observer*

*to draw similarities between the abstract notion of racial harmony in society, with the more concrete notion of musical harmony achieved with piano keys; thereby furthering, in an eye-catching and thought-provoking display, Dr. Martin Luther King, Jr's legacy of promoting social consciousness and racial equality; and*

**WHEREAS**, *Ms. Gardner serves as an example to youth through both her high level of skill and personal achievement and leadership.*

**NOW, THEREFORE, BE IT PROCLAIMED** *that we, the members of the Hillsborough Township Committee, do hereby recognize and extend our sincere congratulations to Ms. Jocelyn Gardner for winning the 3<sup>rd</sup> place Award in the Princeton University 2010 Martin Luther King Visual Arts Contest for the 9<sup>th</sup> and 10<sup>th</sup> Grade Level, an honor for both her and for those who have guided her, with best wishes for a bright future.*

- *Proclamation declaring April as Autism Awareness month*

**WHEREAS**, *Autism is a Pervasive Developmental Disorder that manifests itself in the first three years of life, and affects the social, learning and behavioral skills of those affected by it; and*

**WHEREAS**, *Autism is currently estimated to affect 1 in every 94 people in New Jersey, and over one and a half million people in the United States of America have some form of an Autism Spectrum Disorder including High Functioning Autism, Autism, Asperger's Syndrome Pervasive Developmental Disorder; and*

**WHEREAS**, *Autism is said to affect boys four times more than girls and knows no racial, ethnic or social boundaries, and neither income, lifestyle, nor education affects the occurrence; and*

**WHEREAS**, *a single specific cause of autism is not known, but current research links it to biological or neurological differences in the brain, as well as environmental assaults and neurotoxins. Outdated theories and myths have been proven false, such as autism being a mental illness, or any fault of the mother; and*

**WHEREAS**, *accurate, early diagnosis and the resulting appropriate education and interventions are vital to the growth and development of the individual; and*

**WHEREAS**, *the diagnosis of autism is not reserved for the individual affected by it, but that the entire family has to recover, and the stresses of rearing children with autism attribute to a divorce rate of nearly 85% in this community; and*

**WHEREAS**, *Hillsborough Township offers a wide range of services, supports this population through various organizations and is continuously looking to expand upon such programs; and*

**WHEREAS**, *organizations such as ASPEN, Autism New Jersey, Autism Speaks, Beth Baldwin, Care to Share Network, Inc., Courier News, Doyle's Farm, Paul Gubitosi Charitable Foundation, Chief Paul Kaminsky & the Hillsborough Police Department, Hillsborough Beacon, Hillsborough Board of Education's Special Services Department, Hillsborough Department of Parks & Recreation, Hillsborough Rescue Squad, Woods Road Fire Department, OAR, Somerset County Sheriff's Department, Somerset County Parks Commission, The Bridgewater Marriott, The Sierra Suites of Branchburg, The Moms Club-West, Knights of Columbus, Wegmans, Assemblyman Peter Biondi, Empower Somerset and The Woman's Club; and*

**WHEREAS**, *these groups and individuals enhance awareness throughout our community, help fund research, offer resources and opportunities to those affected by Autism and educate families, professionals, and the general public to better understand this lifelong disability.*

**NOW, THEREFORE, BE IT PROCLAIMED**, that we, the Mayor and Township Committee of the Township of Hillsborough hereby declare April 2010 as National Autism Awareness Month and vow to continue to support programs dedicated to Hillsborough's special needs community.

Committeeman Ferrera thanked the groups and individuals who have spent so much of their time volunteering, not only for the families and children, but also for the community.

Committeeman Ferrera reported that EmPower Somerset is putting together a website which is coming out in June with information on the above organizations.

Committeeman Ferrera thanked Assemblyman Biondi for all his hard work and support, and also for his devotion to special needs.

Assemblyman Biondi said Hillsborough is one of the best places to live. We can see it here tonight, whether it is athletics, academics, arts or spiritual. Assemblyman Biondi said we have it all here in Hillsborough. Assemblyman Biondi said he commends the volunteers, who are all so supportive of autism, are champion givers and people of heart.

#### APPROVAL OF MINUTES

- *Approval of the March 9, 2010 Regular Session Minutes*

Upon motion by Committeeman Ferrera, seconded by Committeeman Suraci, the minutes of the March 9, 2010 Regular Session were approved upon the call of the roll.

Yes – Ferrera, Suraci, Wagner, McCauley

Abstain - DelCore

- *Approval of the March 23, 2010 Regular Session Minutes*

Upon motion by Committeeman Ferrera, seconded by Committeeman Wagner, the minutes of the March 23, 2010 Regular Session were unanimously approved upon the call of the roll.

- *Approval of the March 23, 2010 Executive Session Minutes*

Upon motion by Committeeman Wagner, seconded by Committeeman Ferrera, the minutes of the March 23, 2010 Executive Session were unanimously approved upon the call of the roll.

## REPORTS FROM COMMITTEE LIAISONS, AND RECEIPT OR REPORTS, PETITIONS OR COMMUNICATIONS

### Committeeman Ferrera

Committeeman Ferrera reported that Officer Wilson's 1033 Foundation is presenting another memorial ride and picnic on Sunday, May 2, 2010. Motorcycle registration begins at 9:00 a.m., picnic begins at 1:00 p.m. at the Hillsborough Volunteer Fire Company No. 2 on Route 206, and residents can also register online at [www.wilson1033foundation.org](http://www.wilson1033foundation.org). A twenty dollar donation will cover the bike ride, food, drinks and entertainment. Committeeman Ferrera said if residents do not want to participate in the motorcycle ride, tickets can be purchased at the registration booth at noon.

### Committeeman Suraci

- *Nothing at this time*

### Committeeman Wagner

- *Nothing at this time*

### Deputy Mayor McCauley

Deputy Mayor McCauley reported the Sustainable website has officially launched. Residents can visit it at [www.sustainablehillsborough.com](http://www.sustainablehillsborough.com). Going green and protecting our environment is very popular right now and residents are interested in Hillsborough's position as a leader in sustainable initiatives. Deputy Mayor McCauley said this website is a great resource; people can go to learn about all Hillsborough is doing to plan for our future, residents can view the Strategic Plan for a Sustainable Hillsborough, and check out some of the initiatives and events hosted by the Commission.

Deputy Mayor McCauley said speaking of Sustainable events - this past Saturday was the first Hillsborough Township Clean-Up Day. The Deputy Mayor said she had the opportunity to join with a number of residents and Hillsborough Boy Scouts in a clean-up effort around the community. DPW provided bags, gloves and hats for volunteers, as part of the Clean Communities program and the Sustainable Hillsborough Commission helped to bring the participating parties together.

Deputy Mayor McCauley reported Sustainable Hillsborough is hoping to organize more events like this in the future and is looking into a river clean up in the summer.

Deputy Mayor McCauley thanked Rebecca Marshall, the Sustainable Hillsborough Commission, DPW Director Buck Sixt, and the Boy Scouts for their work on this great event.

Deputy Mayor McCauley reported on what a great success last week's EBDC business social, held at the Polish Falcons, was. Deputy Mayor McCauley thanked the Business Advocate Gene Strupinsky for organizing another successful event and encourages all local businesses to attend these events in the future. They are great for networking and they help us, on the Committee, learn ways in which we can better foster the relationship between local government and business community.

Mayor DelCore

Mayor DelCore reported this weekend some of the local YMCA's are running a Healthy Kids campaign. The Hillsborough YMCA is participating; on Saturday from 9-4 they are running an event which is open to the public, they will have a number of activities set up for the kids in fitness and healthy living.

**NEW BUSINESS**

- *None at this time.*

**PUBLIC COMMENT ON NEW BUSINESS AND MATTERS NOT ON THE AGENDA**

George Redington, 41 Manor Drive, Chairman of the Historic Preservation Commission said several months ago a resident of Pennsylvania named David Lienbach contacted Mayor DelCore. He had a DVD made from 8 mm color film that his mother had taken of the Hillsborough Bi-Centennial parade on May 29, 1971. Mayor DelCore gave the DVD to the Historic Preservation Commission. Mr. Redington said several members met with David, watched the DVD and were very happy to receive it.

Mr. Redington said Tim Stollery, also a member of the Historic Preservation Commission, is a Professional Photographer and he edited and fine-tuned the DVD. Mr. Redington said in working with Committeeman Ferrera, Kevin Davis and Jim Haurey, Hillsborough's Information Technology Manager, it has been arranged to be seen on Channel 25, to be available as a link on the weekly e-news and press releases to local newspapers have been made. Mr. Redington said he is working with the Hillsborough Library to have copies of the DVD available for residents.

Committeeman Ferrera said this will be available on TV 25 and on the Township website this Friday. Committee Ferrera and Mayor DelCore thanked the Historic Commission, Mr. Redington and Mr. Stollery.

Michael Izzo, 102 Roycebrook Road, voiced his concerns regarding building of a development behind his home. Mayor DelCore said he will look into this matter.

A Hillsborough resident thanked the Township Committee for the completion of the Quiet Zones.

Mr. Izzo suggested possibly widening the railroad crossings for pedestrians and cyclists.

**PUBLIC HEARINGS**

Ordinance 2010-08     An Ordinance authorizing the adoption of the manual on Uniform Traffic Control Devices for streets and highways in the Township of Hillsborough.

**BE IT ORDAINED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, as follows:

**Section 1. FINDINGS, PURPOSE, ADOPTION OF MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS**

(a) The Township Committee of the Township of Hillsborough hereby finds and declares that traffic control problems may occur when traffic must be moved through or around street construction, maintenance operations, or utility work, above or below ground which requires blocking the roadway and obstructing the normal flow of traffic; and that such obstructions are or can become dangerous when not properly controlled. In order to better promote the public health, safety, peace and welfare, it is necessary to establish controls and regulations directed to the safe and expeditious movement of traffic through construction and maintenance zones and to provide safety for the work force performing these operations.

(b) The Township of Hillsborough in the County of Somerset, State of New Jersey, does hereby adopt the current Manual on Uniform Traffic Control Devices for Streets and Highways, hereafter known as M.U.T.C.D., as it controls and regulates whenever construction, maintenance operations or utility work obstructs the normal flow of traffic.

(c) Any person, contractor, or utility who fails to comply with the provisions of the M.U.T.C.D. while performing such work is in violation of this Ordinance.

**Section 2. PRE-CONSTRUCTION MEETINGS**

It shall be the responsibility of the person, contractor, or public utility wishing to conduct work on, under, or above the roadway to contact the Chief of Police and Traffic Safety Unit of the Township of Hillsborough Police Department in order to arrange a pre-construction meeting to submit plans for the safe movement of traffic during such period of construction activity.

**Section 3. HAZARDOUS CONDITIONS**

The person, contractor, or utility, prior to the start of any work, shall provide the Chief of Police and Traffic Safety Unit with at least two (2) emergency contact phone numbers to be called in case of emergencies at the construction or maintenance site. If for any reason emergency contacts cannot be reached, or if the emergency contact person does not respond to the call from the Police Department to correct such hazardous conditions within one (1) hour of notification, the Township may respond to correct such hazardous conditions. The reasonable fees for such emergency service by the Township shall be charged to the person, contractor, or utility responsible for such hazardous conditions.

**Section 4. HOURS**

(a) There shall be no construction, maintenance operations, or utility work on any roadway in the Township before the hour of 9:00 A.M. or after 4:00 P.M. This time limit may be adjusted to permit work prior to 9:00 A.M. or after 4:00 P.M. by the Chief of Police and/or the Director of Public Works. If it is determined by either that the construction or maintenance operations prior to 9:00 A.M. or after 4:00 P.M. would substantially delay traffic or cause a safety or health hazard, the work shall then be permitted only between 9:00 A.M. and 4:00 P.M.

(b) If work is being conducted on a County of Somerset or State of New Jersey Department of Transportation maintained roadway, that respective authority may authorize work hours outside of the hours set by this Ordinance at their discretion.

**Section 5. ROAD CLOSINGS AND DETOURS**

Road closing and/or traffic detours shall not be permitted unless approved by the Chief of Police. Road closure and/or traffic detour plans shall be submitted to the Chief of Police and Traffic Safety Unit at least two (2) weeks prior to the anticipated road closure/detour. Road closures on Township roads which will last more than forty eight (48) consecutive hours require the passing of a Resolution by the Township Committee pursuant N.J.S.A. 39:4-197.3. Road closures and/or traffic detour plans shall include the posting of "On or about" signs one (1) week prior to the anticipated road closure/detour to advise motorists of the upcoming work. This is not necessary if the Chief of Police or the Traffic Safety Unit determine the work to be emergent.

Section 6.        **TRAFFIC DIRECTORS**

Traffic directors shall be posted at all construction or maintenance sites when determined by the Police Department Traffic Safety Unit that same is necessary to provide for the safe and expeditious movement of traffic. The hiring of Police Officers does not exempt the person, contractor or utility from any other provision in this Ordinance. The Police Officers are there to facilitate the smooth, efficient and safe movement of traffic. The Chief of Police or his designee has the ultimate authority in determining whether or not Police Officers are required to control traffic at the site.

Section 7.        **STOP WORK**

The Police Department shall have the authority to stop work, including the removal of equipment and vehicles, stored material within the street right-of-way, backfilling of open excavations and/or other related work, in order to abate any nuisance and/or safety hazard or for any violation of this Ordinance.

Section 8.        **SITE PREPARATION AND MAINTENANCE**

It is to be expressly understood that no materials, vehicles or equipment are to be placed in a roadway or sidewalk area until all construction, signs, lights, devices and pavement markings are installed. All construction signs which do not currently apply must be bagged or removed from view of the motorists (i.e.; Flagman Ahead signs after workmen have finished for the day).

Section 9.        **VIOLATIONS AND PENALTIES**

(a) Any person, contractor or utility who commits a violation of this Ordinance shall, upon conviction thereof, be subject to imprisonment in the County of Somerset Jail or in any other place provided for the detention of prisoners, for any term not exceeding ninety (90) days; or by a fine not exceeding \$2,000.00; or by a period of community service not exceeding ninety (90) days.

(b) A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 10.      **SEVERABILITY**

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

Section 11.      **EFFECTIVE DATE**

This Ordinance shall take effect as provided by law.

Committeeman Suraci moved to open the public hearing on Ordinance 2010-08. Said motion was seconded by Deputy Mayor McCauley and carried unanimously upon call of the roll.

Mayor DelCore reported ordinance 2010-08 requires all contractors to meet the roadway construction work safety standards set in the manual on uniform traffic control devices. The proposed ordinance has been reviewed and approved by the Township Engineering Department and the Director of Public Works and is recommended by the Police Department. We are advised, in fact, that the Township's Public Works' crews have long abided by these roadway safety requirements.

Mayor DelCore said the ordinance provides the Police Department with a mechanism for enforcement of the rules, in order to protect the safety of those using Hillsborough roadways.

Committeeman Wagner moved to close the public hearing on Ordinance 2010-08. Said motion was seconded by Committeeman Ferrera and carried unanimously upon call of the roll.

Committeeman Ferrera moved to adopt Ordinance 2010-08. Said motion was seconded by Committeeman Wagner and carried unanimously upon call of the roll.

Ordinance 2010-09     An Ordinance repealing Chapter 81, titled "Parks Commission" and Chapter 95, titled "Recreation Commission", and replacing Chapter 95 with a new Chapter 95, titled "Recreation and Parks Commission", of the code of the Township of Hillsborough.

**WHEREAS**, in order to achieve greater efficiency in the coordination of the use of the Township of Hillsborough parks for recreation; and

**WHEREAS**, in order to avoid duplicity of services between the Parks Commission and the Recreation Commission; and

**WHEREAS**, the Township Committee of the Township of Hillsborough believes that these goals will be achieved by dissolving the Parks Commission and merging the functions, powers and duties of the Parks Commission with the Recreation Commission, with a new Commission to be known as the "Recreation and Parks Commission."

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Hillsborough as follows:

Section 1.     Chapter 81, titled "Parks Commission", of the Code of the Township of Hillsborough is hereby repealed.

Section 2.     Chapter 95, titled "Recreation Commission", of the Code of the Township of Hillsborough is hereby repealed and replaced with a new Chapter 95 as follows:

#### **Chapter 95**

#### **RECREATION AND PARKS COMMISSION**

Section 1.     **Statutory authority; establishment.**

Pursuant to the provisions of N.J.S.A. 40:12-1 et seq., the Township of Hillsborough hereby establishes a Recreation and Parks Commission.

Section 2.                    **Membership.**

- A.     The Recreation and Parks Commission shall consist of seven (7) regular members and two (2) alternate members who shall be residents of the Township.
- B.     The members of the Commission shall be appointed by the Mayor of the Township.
- C.     One (1) member of the Planning Board may be a regular member of the Recreation and Parks Commission.
- D.     All appointments shall be staggered in accordance with N.J.S.A. 40:12-1 for a term of five (5) years. Vacancies shall be filled for unexpired terms only.
- E.     The membership of the Recreation and Parks Commission shall annually elect a chairperson and other such officers as may be provided by the bylaws of the Commission. Such officers shall hold office for a one (1) year term expiring annually on December 31.
- F.     Alternate members shall be designated at the time of their appointment by the Mayor as "Alternate No. 1" and "Alternate No. 2." Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

Section 3.                    **Powers, duties and responsibilities.**

- A.     The Recreation and Parks Commission shall hold regular meetings and shall designate the time and place thereof pursuant to the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. It shall have the power to adopt rules and regulations for the conduct of all recreation and park business within its jurisdiction. It shall keep a record of all its proceedings. Attendance of a majority of the Commissioners shall constitute a quorum.
- B.     The powers and duties of the Recreation and Parks Commission shall be as follows:
  - (1)    Maintain a full-time Recreation Office and staff to serve as the focal point of all recreation program activity in the Township.
  - (2)    Properly staff recreation programs with appropriately trained supervisors.
  - (3)    Schedule the use of all Township owned playing fields, recreation centers, other recreational and parks activities, and recreation vehicles.
  - (4)    In conjunction with the Board of Education, schedule the use of Board of Education facilities needed for recreation programs.
  - (5)    Provide transportation to recreation programs as required.
  - (6)    Develop new and innovative recreation programs.
  - (7)    Publish and distribute recreation program brochures.

- (8) Conduct recreation program registrations.
  - (9) Collect and administer the distribution of all recreation program registration fees and such money as may be provided by the Township Committee.
  - (10) Provide a monthly report on financial operations to the Township Chief Financial Officer.
  - (11) Formulate plans for the development and improvement of public parks, playgrounds and recreational facilities in the Township.
  - (12) Propose methods or arrangements for the proper maintenance and care of such parks, playgrounds and recreational facilities and equipment and the improvements thereon.
  - (13) Propose methods or arrangements for the safety and security of such parks, playgrounds and recreational facilities and the improvements thereon.
  - (14) Formulate rules and regulations for the public use of such parks, playgrounds and recreational facilities and the improvements thereon.
  - (15) Explore the need for various types of new facilities in new and existing parks, playgrounds and recreational facilities for the benefit of both the youth and adults of the Township.
  - (16) In furtherance of the purposes delineated herein-above, the Recreation and Parks Commission shall have the following duties (by way of example, not limitation): It shall be charged with planning, control, development, management, operation, maintenance and security in conjunction with the Public Works Department of a system of public parks, forestry, recreational areas and facilities and shall be charged with the supervision and maintenance in conjunction with the Public Works Department of Township owned playing fields, recreation centers and other recreational and parks activities, areas and facilities and shall have the power to expend for this purpose any funds appropriated by the Township Committee for such purposes, field maintenance fees collected, and any funds donated or bequeathed for recreation areas or park purposes by private individuals or organizations. It may also recommend the institution of condemnation proceedings whenever private property would be taken into the name of the Township for the purpose of parks and recreation. It shall advise the Planning Board in all matters relating to the development of parks and recreation areas.
  - (17) Such other duties and responsibilities as are consistent with and help to carry out an effective recreation program and schedule for the Township of Hillsborough.
- C. The Township Committee shall consider recommendations from the Recreation and Parks Commission for the position of Director of Recreation who shall be the executive officer of the Commission and may be elected as Secretary to the Commission.
- D. The Recreation and Parks Commission shall periodically file with the Township Committee a report giving the complete account of all financial transactions, and

a statement of activities together with an annual forecast of programmed activities, showing the expenditures of public funds and the receipts and expenditures of fees and charges collected, as provided by N.J.S.A. 40A:4-39. A separate budget account shall be maintained to record money and tangible personal property donated for current purposes and for long term capital improvements. The Recreation and Parks Commission shall keep adequate records of all funds handled by it, and shall turn over to the Township Treasurer all cash receipts for deposit in a Special Activities Account. It shall establish separate special accounts for receipts donated or solicited and collected for special activities or for particular purposes, and such monies shall not be mingled with public funds. The Recreation and Parks Commission shall have no power to incur indebtedness. Expenditures of such donated funds shall not exceed the amount thereof on hand at the time when the expenditure is authorized. The Director shall be the Recreation and Parks Commission's certifying agent. The Recreation and Parks Commission shall approve all vouchers for the expenditure of funds of any character. Vouchers for the expenditures of public funds, after Recreation and Parks Commission approval, shall be delivered to the Township Clerk who shall present the same to the Township Committee for payment in accordance with the usual procedures established for the payment of other Township bills.

Section 3. Ordinance 2009-36 adopted on December 8, 2009, titled "An Ordinance Amending Chapter 221, Titled 'Parks and Recreation Areas' of the Code of the Township of Hillsborough, by Adding Article III, Titled 'Enforcement of Somerset County Park Commission Rules and Regulations'" remains in full force and effect.

Section 4.     **Severability.**

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

Section 5.     **Effective Date.**

This Ordinance shall be effective as of May 1, 2010.

Committeeman Wagner moved to open the public hearing on Ordinance 2010-09. Said motion was seconded by Deputy Mayor McCauley and carried unanimously upon call of the roll.

Mayor DelCore said several years ago the Township Committee combined the operational end of parks and recreation for greater coordination and efficiency. That combination has worked well. This ordinance continues that effort through the creation of a seven member Commission with two alternates, appointed by the Mayor, where each member serves a five year term, to be known as the Recreation and Parks Commission. The Commission will have oversight and advisory responsibility for both Parks and Recreation.

Mayor DelCore stated we are examining the Boards, Commissions, and Advisory Committees of the Township, in an effort to streamline, to eliminate duplication, ensure active participation by those volunteers appointed to the various Commissions, and to save some costs where possible. This combining of the two commissions appears to make sense.

Committeeman Ferrera said it makes a lot of sense to combine the two commissions and for them to work together.

Mr. Michael Izzo asked if the Township is going to eliminate the Belle Mead Depot Committee. Committeeman Ferrera and Mayor DelCore explained that this is a separate group.

The GSA Depot Parks & Recreation Advisory Committee will remain a separate commission as it was before.

Committeeman Ferrera moved to close the public hearing on Ordinance 2010-09. Said motion was seconded by Committeeman Suraci and carried unanimously upon call of the roll.

Committeeman Ferrera moved to adopt Ordinance 2010-09. Said motion was seconded by Committeeman Wagner and carried unanimously upon call of the roll.

Ordinance 2010-10     An Ordinance authorizing the Township of Hillsborough Construction Department to waive enforcing agency fees for Non-Profit Organizations engaged in constructing or rehabilitating Affordable Housing units.

**WHEREAS**, N.J.S.A. 52:27D-126(d) allows the waiver of enforcing agency fees for non-profit organizations actively engaged in constructing or rehabilitating affordable housing units as defined in N.J.S.A. 52:27D-126(d); and

**WHEREAS**, the Township Committee of the Township of Hillsborough desires to make this waiver available by the adoption of this Ordinance; and

**WHEREAS**, this waiver will not apply to Department of Community Affairs training fees unless so qualified by N.J.A.C. 5:23-4.19.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, as follows:

Section 1.     The Construction Department is authorized to waive enforcing agency fees for non-profit organizations engaged in constructing or rehabilitating affordable housing units as defined in N.J.S.A. 52:27D-126(d) but not Department of Community Affairs training fees, unless so qualified by N.J.A.C. 5:23-4.19.

Section 2.     Severability

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

Section 3.     Effective Date

This Ordinance shall take effect as provided by law.

Committeeman Suraci moved to open the public hearing on Ordinance 2010-10. Said motion was seconded by Committeeman Wagner and carried unanimously upon call of the roll.

Mayor DelCore reported the Somerset County Community Development Office has advised the Township that for homes in Hillsborough to remain eligible for community development home rehabilitation funding, Hillsborough must establish a waiver of building permit fees for the work on these homes by non-profit agencies. The federally funded Community development rehabilitation programs have an income limit to qualify for the program.

Mayor DelCore explained when homes are improved through the non-profit housing rehabilitation program, those units count toward the Township's affordable housing obligation, without the Township having to build new affordable housing units.

Committeeman Suraci moved to close the public hearing on Ordinance 2010-10. Said motion was seconded by Committeeman Ferrera and carried unanimously upon call of the roll.

Committeeman Wagner moved to adopt Ordinance 2010-10. Said motion was seconded by Committeeman Suraci and carried unanimously upon call of the roll.

Ordinance 2010-11     An Ordinance amending Chapter 188 (Development Regulations), Article V (Districts and Standards) of the Code of the Township of Hillsborough, County of Somerset, State of New Jersey, to create the Green Village (GV) District.

**BE IT ORDAINED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, as follows:

**SECTION 1.** Amend Chapter 188 of the Code of the Township of Hillsborough by adding Section 113.4 to read as follows:

Section 113.4  
GV Green Village District

A. Purpose.

The purpose of the Green Village (GV) Zone District is to establish a mixed-use zone that provides for affordable housing, multi-family housing, hotel, retail, office and restaurant uses at a location that provides access to employment areas through adjacency to major roadways and/or public transportation. The standards are intended to offer maximum flexibility for site design and selection of dwelling unit types in order to offer a balanced housing pattern attractive to all income and age segments of the community as part of the Township's fair share housing plan for meeting the region's low- and moderate-income housing needs.

B. Permitted Principle Uses.

- (1) Multi-Family Dwellings/Affordable Housing
- (2) Retail
- (3) Hotel
- (4) Office
- (5) Restaurants, freestanding or attached (drive through restaurants are prohibited)
- (6) Fiduciary Institutions, including drive through banks

C. Accessory Uses.

- (1) Garages, storage sheds, tennis courts, maintenance office and storage buildings, swimming pools and other community recreational facilities (non-commercial) associated with planned residential communities are allowed in all yards but the front yard.
- (2) Restaurants accessory to a hotel use.
- (3) Trash and garbage collection areas which are fully screened.

- (4) Loading areas which are fully screened.
  - (5) Utilities which are compatibly designed and/or screened, as appropriate.
- D. Minimum Tract Area and Location.
- (1) A minimum of 40 acres and frontage on New Jersey State Highway Route 206.
- E. Yard and Bulk Regulations for Village Residential District Development.
- (1) Lot Frontage – Minimum of 300 feet on a major arterial roadway
  - (2) Front Yard Setback– Minimum of 100 feet from Route 206
  - (3) Side Yard Setback – Minimum of 50 feet from tract boundary
  - (4) Rear Yard Setback – Minimum of 50 feet from the tract boundary
  - (5) Building Coverage – Maximum of 40%
  - (6) Total Impervious Coverage – Maximum of 65%
  
  - (7) Building Height
    - (a) Hotel – Maximum of 55 feet
    - (b) Multi-Family Dwellings/Affordable Housing - Maximum of 48 feet
    - (c) Retail Uses - Maximum of 35 feet
    - (d) Office Uses - Maximum of 55 feet
    - (e) Restaurant Uses - Maximum of 35 feet
    - (f) Fiduciary Institutions - Maximum of 35 feet
    - (g) Accessory Uses - Maximum of 35 feet
  
  - (8) Building-to-Building Distance Requirements – Minimum of 25 feet
- F. Site perimeter requirements.
- (1) Buffer requirements.

There shall be a minimum twenty-five (25) foot buffer adjacent to any residential district or existing residential use included as part of this requirement, unless otherwise indicated. Such buffer shall be reviewed by the appropriate Board to determine if the existing vegetation provides a sufficient year-round screen or if the existing vegetation needs to be enhanced by additional plantings and/or a fence or berm. Once all screening/landscaping improvements are completed, a conservation easement shall be established by the applicant for the buffer area.
  - (2) Fencing Requirements.

Fencing may be included on the perimeter of the tract, or within the tract, provided the fencing is of an architecturally compatible design and consistent throughout the tract. No fence shall exceed a height of five (5) feet above finished grade.
- G. Density.
- (1) A maximum residential density of 9.38 units per acre of gross tract area is permitted – provided that a minimum of 24.9% of the dwelling units are to be low- and moderate-income units in accordance with applicable affordable housing regulations.
  - (2) Hotel – Not to exceed 130 guest units.
  - (3) Retail, Office, Restaurants and Fiduciary Institutions - not to exceed a combined total of 20,000 square feet.
- H. Parking Requirements.
- (1) Residential – As per the R.S.I.S.
  - (2) Retail – 3.5 spaces/1,000 sf of gross floor area
  - (3) Office – 3 spaces/1000 sf of useable floor area
  - (4) Restaurant – 4 spaces/1000 sf of useable floor area
  - (5) Fiduciary/Banks – 3 spaces/1000 sf of useable floor area

- (6) Hotel
  - (a) 1 space/guest unit
  - (b) 1 space/employee
  - (c) 4 spaces/1000 sf of restaurant/bar/conference center
- (7) Shared parking among non-residential uses is permitted in accordance with the following standards, subject to approval by the Planning Board or Board of Adjustment, as appropriate:
  - (a) If a hotel shares parking with any combination of retail, restaurant, office or fiduciary uses, the parking requirements for the retail, restaurant, office and fiduciary uses may be reduced by a total of 20 percent.
  - (b) The establishments for which the application is being made for shared parking shall be located within 500 feet of the parking facility.
  - (c) Any application that includes shared parking must provide a shared parking plan. Such a plan shall be included as an addendum to a site plan and shall be drawn to the same scale. The shared parking plan must include the following:
    1. A site plan showing parking spaces intended for shared parking and their proximity to the uses they will serve.
    2. A signage plan that directs drivers to the most convenient parking areas for each particular use or group of uses, if such distinctions can be made.
    3. A pedestrian circulation plan that shows connections and walkways between parking areas and land uses.

I. Supplemental Regulations.

- (1) Buildings and site improvements shall be designed to minimize changes to existing topography and mature vegetation.
- (2) Shared driveways that serve more than one (1) property may be provided where deemed appropriate by the Planning Board or Board of Adjustment. Cross access shall be required between adjoining properties.
- (3) A landscape plan shall be provided for the entire site and shall be prepared by a licensed Landscape Architect.
- (4) Where loading, outdoor storage, and service areas are located within 50 feet of residential uses or public rights-of-way, an earthen berm, no less than six (6) feet in height, containing at a minimum, evergreen trees planted at intervals of twenty (20) feet on center and seven (7) evergreen shrubs per tree, shall be provided.
- (5) Exterior building design shall be coordinated with regard to color, types of materials, architectural form, and detailing. Multiple buildings on the same site shall be designed to create a cohesive relationship between the buildings. The requirements in the Architectural and Site Design (ASD) Overlay Zone contained in Sections 188-167 to 175.12 shall apply, except as otherwise provided in the GV District requirements, as indicated herein.
- (6) Requirements for establishments with drive-through facilities.
  - (a) A drive-through facility shall be architecturally integrated into the principal building.
  - (b) A drive-through facility shall not be located on the street side of the building nor in front of the front building line.
  - (c) A drive-through facility shall be limited to a maximum of three (3) service lanes and a required by-pass lane.

- (d) A drive-through facility, accompanying driveway and associated signage shall be set back a minimum distance of 50 feet from any land zoned for residential development.
  - (e) A drive-through facility shall not adversely impede or conflict with pedestrian and/or vehicular circulation in the area.
  - (f) The Planning Board or Board of Adjustment shall be satisfied that the on-site and off-tract traffic circulation is accommodating the proposed traffic volume associated with such facility, particularly during peak hours. The stacking driveway for the drive-through window shall provide room for no more than three (3) lanes for patrons plus a bypass lane and shall be separated from any off-street parking areas and their access aisles, loading areas or trash enclosures.
- (7) Signs. A signage program shall be established as part of the development review and approval process pursuant to the requirements contained in Section 188-83 J.
- (a) There shall be a consistent sign design theme throughout the development. A unifying design theme shall include style of lettering, method of attachment, construction, material, size proportion, lighting, position and day/night impacts. Color of letters and background shall be carefully considered in relation to the color of the material of the building(s) or where the signs are proposed to be located. Signs shall be a subordinate rather than predominant feature of any building. The lettering and sign shall be compatible with the architecture of the building.
  - (b) A comprehensive signage plan shall be provided which covers overall project identification, window signage and lettering, individual building/tenant identification, traffic regulations, pedestrian crossing, street identification, parking and directional instructions. A signage hierarchy shall be established governing the above signage categories.
  - (c) All permanent signage shall be affixed to a building façade, canopy or arcade; and be visible to both pedestrians and drivers.

**SECTION 2. Severability.** If any provisions of this ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions, which shall be deemed severable there from.

**SECTION 3. Effective Date.** This ordinance shall take effect immediately upon passage and publication according to law.

Committeeman Wagner moved to open the public hearing on Ordinance 2010-11. Said motion was seconded by Committeeman Ferrera and carried unanimously upon call of the roll.

Mayor DelCore said Hillsborough's state mandated affordable housing plan, that was submitted to the court in December, 2008, includes the establishment of a zone that will include affordable housing on 50 acres fronting on Route 206.

Mayor DelCore said when this ordinance creating a Green Village zone was introduced, Deputy Mayor McCauley, doing an excellent job filling in for me, reviewed the affordable housing situation in Hillsborough. The Deputy Mayor noted that Hillsborough was mandated by the state to submit an affordable housing plan to the state by the end of 2008 or face the potential of a builders' remedy lawsuit, which could result in hundreds or even thousands of more residential houses being built in Hillsborough. To protect our community, an affordable housing plan was submitted to the Superior Court, as Hillsborough is considered a so-called court town.

Mayor DelCore explained the plan not only met the requirements of the state mandate, it actually reduced the number of affordable units in Hillsborough from the state's original 650 unit mandate to 286 units, to be constructed over a period through 2018. Under the plan, the affordable units would be built by builders, so that no property tax dollars would be used. In order to implement the plan, Hillsborough must adopt this zone.

Mayor DelCore said the density being established in this zone actually will reduce the number of affordable units in the Green Village from the initial 138 units to 117 units. The Planning Board held a public hearing, noticed area residents, reviewed, and approved the ordinance.

Mayor DelCore said tonight we have Ms. Jennifer Beahm, a Planner for Birdsall Engineering and Hillsborough's affordable housing consultant, with us to review the ordinance.

Ms. Beahm reported that in 2008 the Green Village preserved property, which is 50 acres fronting on Route 206, was included within the plan. Ms. Beahm said at that time the plan was to provide 138 affordable housing units and 352 market rate units, for a total of 490 units on the 50 acres.

Ms. Beahm explained that in 2009 Birdsall Engineering has been working with the Special Master who is the Planner that the court appoints to review the plan and make recommendations. Ms. Beahm explained through that work we have been able to reduce the Round Three obligation from 650 units to 475 units, by taking a series of exclusions that the Court Master has allowed us to take.

Ms. Beahm said that's reduction in the overall obligation has enabled us to eliminate one of the projects formerly included in the plan, which reduces the number of units that Hillsborough would have to provide by 108 units, first and foremost. Ms. Beahm said it has allowed this project to reduce its size and scope by 21 units. The Master has reviewed these projects and is supportive of the reduction and the overall number of affordable housing units.

Ms. Beahm explained that this ordinance is an implementation ordinance which is consistent with the regulations put forth by COAH and supported by the court to implement the Housing Element and Fair Share Plan that was adopted by the Planning Board and then subsequently by the Committee.

Committeeman Wagner said this ordinance was again reviewed by the Planning Board on March 25<sup>th</sup> and approved. The Green Village ordinance, as the Mayor and Ms. Beahm noted reduces the number of affordable housing units from the original submitted plan.

Committeeman Wagner suggested that the ordinance should be held over until the Planning Board completes its review of the Gateway at Sunnymead conversion application, which also impacts on the Township's affordable housing obligation.

Committeeman Wagner said he thinks we need to let the dust settle, avoid confusion, and ensure that the Township's mandated affordable housing plan meets the obligation, as far as number of units, established by the state and can avoid builders' remedy lawsuits.

Committeeman Wagner said the next Planning Board hearing is April 22, 2010. After we have heard from the public tonight, he said he will make a motion that we should take no final action and, instead, the hearing should be continued to the April 27, 2010 Township Committee meeting.

Hillsborough resident stated that he met with builders to review some of the information and questioned the specifics of this ordinance.

Mr. Cruz explained that the ordinance just sets the parameters for that zone; the specifics are decided by the Planning Board.

Mayor DelCore explained that at this point there has been no formal plan that has been submitted, and there will be an official final site plan at some point.

Mr. Davis said if there are agreements between the developer and the neighborhood those agreements will be incorporated into whatever planning board resolution when the site plan comes up for approval, so that they become a matter of fact. Mr. Davis said he doesn't think they are appropriate for the ordinance at this time.

Mr. Davis reported there is no Planning Board hearing and no application for site plan before the Planning Board at this moment.

Committeeman Wagner motioned to continue the public hearing to April 27, 2010.

Deputy Mayor McCauley asked if the Planning Board has approved passing along the ordinance.

Mr. Cruz said the Planning Board has recommended that the ordinance is consistent with the Master Plan.

Mayor DelCore said they have recommended it up to the Township Committee.

Deputy Mayor McCauley asked at this point, what are they reviewing?

Mr. Cruz said the Planning Board is not reviewing anything further.

Committeeman Ferrera seconded the motion, previously made by Committeeman Wagner, to continue the public hearing until the April 27, 2010 Township Committee Meeting, said motion was carried unanimously upon call of the roll.

#### INTRODUCTION OF NEW ORDINANCES

Ordinance 2010-13     An Ordinance amending Chapter 89-6 (Personnel Policies-Time and Attendance) of the code of the Township of Hillsborough, County of Somerset, State of New Jersey to authorize the adoption of a Transitional Duty Policy. *Further consideration of this ordinance and public hearing will be held on May 25, 2010.*

**WHEREAS**, the Township of Hillsborough does not currently have a transitional or modified duty policy with the exception of General Order 2001-61 applicable to sworn police officers only; and,

**WHEREAS**, the Central Jersey Joint Insurance Fund (CJJIF), of which Hillsborough is a member, recommends to all member municipalities that a transitional or modified duty policy be adopted covering all municipal employees, as the CJJIF's experience has shown that such policies can help to alleviate the growing cost of workers' compensation, and

**WHEREAS**, Township Committee believes that employees with temporary job related injuries who are determined by a Physician to be eligible for limited duty should be brought back on the job as soon as possible; and,

**WHEREAS**, the Township Committee believes that employees who temporarily cannot perform the essential functions of their positions because of injury or illness can still be assigned meaningful work that can be performed consistent with any restrictions, and in the current municipal budget situation, where there can be no growth in the number of employees, it is imperative to gain assistance in the performance of municipal duties from as many sources as possible; and,

**WHEREAS**, the Township Committee believes that General Order 2001-61 – Temporary Light Duty, and any subsequent amendments and/or replacements to said General Order shall continue to be applicable with regard to sworn police personnel.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey as follows:

1. Amend Section 89.6 by adding the following:

(G) Transitional Duty

The Township will endeavor to bring employees with temporary disabilities back on the job as soon as possible and may assign transitional duty to employees who temporarily cannot perform the essential functions of their positions because of injury or illness but are capable of performing alternative duty assignments. Transitional duty is not guaranteed and shall be reviewed by the Township Administrator or his or her designee every forty-five (45) workdays. The number and/or the designation of employees on transitional duty shall be at the sole discretion of the Township Administrator or designee. Employees who are injured on duty shall have precedence for eligibility under this policy over employees who suffer an off-duty illness or injury.

The Township Administrator and/or his designee can require transitional duty when the Workers' Compensation physician, the Township physician and/or the attending physician determines that the employee can return to work with restrictions. The temporarily disabled employee can be eligible for transitional duty once the employee is able to return to work with restrictions. Transitional duty will only be assigned if the employee will be able to perform the essential functions of the position after the transitional duty period. The Township Administrator will consult with the Department Head to determine if there is any meaningful work that can be performed consistent with the restrictions. Transitional duty assignments may be to any department and not just the employee's normally assigned department and may be for any duties that are approved by the Physician.

The Township Administrator or designee will decide if it is in the best interest of the Township to approve a transitional duty request and will notify the employee of his or her decision. There will be no positions created for transitional duty assignments. The Township reserves the right to terminate the transitional duty assignment at any time without cause. The granting or denial of a transitional duty assignment or the termination of such assignment shall not be grievable.

Employees may not refuse transitional duty assignments that are recommended by the Workers' Compensation physician, Township physician and/or attending physician. In such cases, failure to report to work as directed shall constitute immediate grounds for dismissal. If the employee believes that the transitional duty assignment is beyond the employee's abilities, the employee may request a meeting with the Township Administrator who will render a written response within twenty-four (24) hours. Refusal to report for work after said meeting shall also constitute immediate grounds for termination.

Employees on transitional duty will receive their regular salaries and benefits. If transitional duty is approved, the employee and/or Workers' Compensation, Township and/or attending physician must keep the Township Administrator informed of the medical progress of the employee. If, at the end of the transitional duty period, the employee is not able to return to work without restrictions, the Township reserves the right, at its sole discretion, to extend the transitional duty or place the employee back on Workers' Compensation or disability or terminate the employee's employment with the Township. This Policy does not affect an employee's rights under the Americans with Disabilities Act, the Family and Medical Leave Act, the Fair Labor Standards Act, the Contagious or Life Threatening Illness Policy or any other applicable Federal or State law.

Employees will not perform transitional duty functions without a statement of medical certification to support the transitional assignment which must be signed by the treating physician, the Workers' Compensation physician and/or the Township physician. The medical certification must include an assessment of the nature and probable duration of the disability, prognosis for recovery, nature of work restrictions and an acknowledgement by the physician to the fact that the employee can physically assume the restricted duties.

Prior to the return to full duty status, the attending physician, the Township physician and/or the Workers Compensation physician must sign a statement of medical certification supporting the reassignment of the employee back to normal duties without restrictions.

2. General Order 2001-61 and any subsequent amendments and/or replacements of said General Order shall continue to be applicable with regard to Temporary Light Duty for all sworn police personnel.

3. This Ordinance shall be effective upon final adoption and publication in accordance with law.

Mayor DelCore reported this ordinance establishes a limited duty policy for municipal employees who are injured on the job. When a Physician determines an employee who is out on worker's compensation can return to work, with certain limits, at the Township's option the employee can be brought back to work on limited duty.

Mayor DelCore reported the policy is recommended by the Central Jersey Joint Insurance Fund, of which Hillsborough is a member, and is designed to help reduce workers' compensation costs. Police Officers have a similar modified duty policy already established in the Hillsborough Police Manual.

Committeeman Suraci moved that the aforesaid Ordinance be passed on first reading and that the Ordinance be further considered at a public hearing held on May 25, 2010 at 7:30 p.m. Said motion was seconded by Committeeman Wagner and unanimously approved upon call of the roll.

## CONSIDERATIONS

Mayor DelCore offered the following resolution:

1. Resolution authorizing Maser Consulting, P.A. to provide services as mandated by the State's Stormwater Management Program for annual stormwater outfall inspections in an amount not to exceed \$16,000.00, and to perform an analyses of 20% of the dry

weather flow to meet the mandated illicit connection requirement in an amount not to exceed \$6,250.00.

**WHEREAS**, the New Jersey Department of Environmental Protection requires that the Township of Hillsborough inspect, on a yearly basis, the Township's Stormwater Outfalls; and

**WHEREAS**, pursuant to the contract for services awarded by the Township to Maser Consulting, P.A. through the Fair and Open procurement process (N.J.S.A. 19:44A-20.4-5 et. seq.), Maser Consulting, P.A. was appointed the Consulting Township Engineer on January 5, 2010; and

**WHEREAS**, Maser Consulting, P.A. prepared a proposal to provide stormwater outfall inspections on behalf of the Township, at a cost not to exceed \$16,000.00; and

**WHEREAS**, Maser Consulting, P.A. recommends testing 20% of the outfalls dry weather flow to meet the mandated illicit connection requirement, at a cost not to exceed \$6,250.00; and

**WHEREAS**, the need for stormwater outfall inspections and an analyses of 20% of the dry weather flow is now necessary and Maser Consulting, P.A., the Consulting Township Engineer, will conduct these inspections; and

**WHEREAS**, funds are available and have been certified as such by the Chief Finance Officer said certification is attached to this resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that Maser Consulting, P.A. is authorized to provide stormwater outfall inspections in an amount not to exceed \$16,000.00, and to perform an analyses of 20% of the dry weather flow to meet the mandated illicit connection requirement, in an amount not to exceed \$6,250.00 on behalf of the Township as outlined in the firm's proposal letter, dated March 15, 2010.

Mayor DelCore asked for a motion, Deputy Mayor McCauley responded, motion was seconded by Committeeman Wagner.

Mayor DelCore reported Stormwater outfalls are pipes that direct run off flow into the various rivers and creeks in the Township. The annual inspection of the over 500 outfalls in Hillsborough to determine if there is an illicit flow is a state stormwater management mandate.

Mayor DelCore said given the fact that the state has reduced aid so substantially this year, this is an ideal mandate that adds costs for local taxpayers that should be put on hold by the state. Mayor DelCore said he believes it is an inspection that could be made every three or four years instead of annually and still be effective.

Mayor DelCore explained he has no issue with the cost proposed by Maser Consulting, it is \$32 per outfall and has not increased over the last three years. Instead, Mayor DelCore said he takes issue with the state requiring this type of activity, while reducing financial assistance to the Township.

Mayor DelCore said this mandate is a left over from the previous administration and he thinks the Christie Administration should be looking at suspending these types of mandates to give municipalities some relief.

Committeeman Suraci said he agrees this is an area where the state can offer some relief to municipalities and taxpayers. We have been advised that the stormwater management rules put in place by the state are a requirement of a federal clean water mandate, and therefore, are technically not a state mandate that requires the state to pay.

Committeeman Suraci said however, implementation of the federal requirements rests with the New Jersey DEP. That Department can alter some of the very stringent requirements that they have put in place, particularly here with outfall inspections.

Committeeman Suraci said the Township's Engineering Department reports that through outfall inspections in Hillsborough in 2008 and 2009, there has never been a finding of any type of pollutant in the outfalls. The Committeeman said the annual inspection is excessive and warrants a reduction. He agrees this inspection can take place every few years and should still be able to meet the requirements.

Committeeman Suraci said Hillsborough could use the financial help from the state in allowing us to forgo this cost this year, given the \$838,000 state aid reduction.

Committeeman Suraci made a motion to table this consideration and to authorize and send a letter to the new DEP Commissioner, seeking relief in this matter.

Motion was seconded by Committeeman Wagner to table this consideration and to authorize and send a letter to the new DEP Commissioner, said motion was carried unanimously upon call of the roll.

2. Resolution authorizing the execution of a contract for an Employee Assistance Program (EAP) with Charles Nechtem Associates, Inc. for the period February 1, 2010 through January 31, 2011, not to exceed \$3,774.

**WHEREAS**, the Township of Hillsborough solicited quotes for an Employee Assistance Program (EAP) and four (4) quotes were received as follows:

ESI Group	\$2.58 per employee per month = \$31 per employee per year Yearly Total \$4,991.
EAP Consultants	\$2.23 per employee per month = \$26.76 per employee per year Yearly Total \$4,950.
McLaughlin Young	\$1.94 per employee per month = \$23.28 per employee per year Yearly Total \$4,306.
Nechtem Associates	\$1.70 per employee per month = \$20.40 per employee per year Yearly Total \$3,774.

**WHEREAS**, the Township currently contracts for an Employee Assistance Program (EAP) with Charles Nechtem Associates, Inc.; and

**WHEREAS**, Social Services Director Tamas Ormosi has determined that Charles Nechtem Associates, Inc.'s Employee Assistance Program is best suited to the Township's needs; and

**WHEREAS**, the cost to the Township will be \$3,774.00 for the period February 1, 2010 through January 31, 2011 based on 161 employees; and

**WHEREAS**, funds are available and have been certified as such by the Chief Finance Officer.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey as follows:

1. An award of contract for an Employee Assistance Program (EAP) is hereby made to Charles Nechtem Associates, Inc. in an amount not to exceed \$3,774.00 for the period from February 1, 2010 through January 31, 2011.
2. The Mayor and Township Clerk are hereby authorized to execute the Township standard form of agreement, for services and any modifications thereto and related constituent documents as may be found acceptable by the Township Committee.

Mayor DelCore said the Township is obligated to provide an employee assistance program for employees. Charles Nechtem Associates have provided this service well over the past few years. They also provided the lowest quote for services.

Upon motion by Committeeman Wagner seconded by Committeeman Ferrera, the aforesaid resolution was unanimously approved upon call of the roll.

3. Resolution authorizing the Mayor and Township Administrator/Clerk to sign a Discharge of Mortgage regarding Lot 16 in Block 65D on the tax map of the Township of Hillsborough.

**WHEREAS**, on January 13, 1999, Mary Kaempfen, the owner of property known as 9 Magda Lane, Lot 16 in Block 65D on the Township of Hillsborough Tax Map ("Property"), executed a Property Rehabilitation Mortgage ("Mortgage") for a loan of \$10,435.00 from the Township of Hillsborough ("Township") for the rehabilitation of her dwelling; and

**WHEREAS**, because the terms of the Mortgage have been met, the Mortgage, by its terms, was automatically forgiven in full by the Township on February 2, 2005 and should be discharge of record; and

**WHEREAS**, the purpose of this Resolution is to authorize the Mayor and Clerk of the Township of Hillsborough to execute a Discharge of Mortgage which is to be filed with the Somerset County Clerk's office.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, as follows:

1. That the Mayor and Clerk are hereby authorized to sign the Discharge of Mortgage which has been prepared by the Township Attorney; and
2. That the original Discharge of Mortgage be sent by the Township Attorney to the Somerset County Clerk's office, with a copy to Mary Kaempfen.
3. This Resolution shall take affect immediately.

Mayor DelCore reported the Township held a mortgage in the amount of \$10,435, funded by community development funds, on Block 65D, Lot 16, that was satisfied in February, 2005. We are advised that the mortgage must be discharged by action of the Township Committee.

Upon motion by Committeeman Wagner seconded by Deputy Mayor McCauley, the aforesaid resolution was unanimously approved upon call of the roll.

4. Resolution authorizing submission of a complete 2010 Somerset County/Municipal Open Space Partnership Grant application for the acquisition of the Transcontinental Gas Pipeline property known as Block 175, Lot 26 located at 50 East Mountain Road.

**WHEREAS**, it is desirable that the Township of Hillsborough preserve open space in the western portion of the Township while directing future growth towards the Town Center area and along the Route 206 corridor as recommended in the 2002 and 2005 Master Plan Amendments; and

**WHEREAS**, the Township's efforts to preserve open space are most effective and efficient when taken in coordination with relevant County and State agencies, and with interested and experienced preservation commissions and trusts; and

**WHEREAS**, the Transcontinental Gas Pipeline property, known as Block 175, Lot 26, is located in the R, Residential Zone District and has been identified as an appropriate parcel to preserve because it is adjacent to existing Township open space and also adjacent to the Rescue Squad facility on East Mountain Road; and

**WHEREAS**, the Rescue Squad has requested that a portion of the Transcontinental Gas Pipeline property be subdivided and added to the Rescue Squad facility for future expansion with the remainder to the subject property to be preserved; and

**WHEREAS**, the Open Space Advisory Committee has expressed support for the submission of a 2010 Somerset County/Municipal Open Space Partnership Grant application for the Transcontinental Gas Pipeline property; and

**WHEREAS**, the Township Committee further believes it desirable to make every reasonable effort to obtain a grant in order to purchase and otherwise preserve a majority of this property as open space.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey as follows:

1. That the Township Committee believes that the utilization of the Transcontinental Gas Pipeline property encompassing Block 175, Lot 26 on East Mountain Road as open space is a desirable goal to further passive recreation and environmental protection, and to that end:
  - a. Authorizes and directs the Township Administrator/Clerk to submit a complete 2010 Somerset County/Municipal Open Space Partnership Grant application for the acquisition of the proposed open space parcel on Block 175, Lot 26.
  - b. Recognizes that the Township will assume responsibility for the long-term management of this property for open space and appropriate recreational uses in accordance with applicable deed restrictions that support the preservation for open space and related recreational uses.

Mayor DelCore reported the Open Space Advisory Committee has recommended that the potential preservation of Block 175, Lot 26, be submitted for a Somerset County Open Space Partnership Grant. The Township is presently finalizing the details of the preservation of the property with the property owner, the Transcontinental Pipeline Company. The Open Space Partnership grant can provide up to half of the cost of the preservation of the property.

Committeeman Wagner said Hillsborough has been very successful in gaining Somerset County Open Space Partnership grants over the past few years, which has been extremely helpful in subsidizing our open space preservation efforts. Usually the Open Space grant is about 50% of the project cost.

Committeeman Wagner said as he has stated before, every time Hillsborough can gain funding for a part of the cost of an open space or farmland preservation project, whether it be from the county, the state, or the federal government, it helps the Township's Open Space Trust funds go that much further. When the details are completed on this open space preservation, the Township will take an additional seven acres out of reach of development in an area, close to the GSA Depot, that is important to ensure preservation.

Upon motion by Committeeman Wagner seconded by Deputy Mayor McCauley, the aforesaid resolution was unanimously approved upon call of the roll.

5. Resolution authorizing the Mayor and Township Administrator/Clerk to execute a "Non Fair and Open" contract with CME Associates, for Planning and Engineering Consulting and Advisory Services for the Sunnymeade Landfill Redevelopment, in an amount not to exceed \$17,000 pursuant to their proposal dated March 31, 2010.

**WHEREAS**, the Sunnymeade Landfill site has been declared an area in need of redevelopment and is being prepared to be marketed for redevelopment purposes; and

**WHEREAS**, CME Associates will assist in the evaluation of the different proposals and provide environmental and engineering guidance on the landfill closure process with the New Jersey Department of Environmental Protection (NJDEP); and

**WHEREAS**, CME Associates has been the lead consultant on the landfill redevelopment project and it is in the Township's best interest to continue the firm's services; and

**WHEREAS**, the Township Committee has decided to award a "Non Fair and Open" contract for Planning and Engineering Consulting and Advisory Services to CME Associates, for the Sunnymeade Landfill Redevelopment, in an amount not to exceed \$17,000., pursuant to their proposal dated March 31, 2010; and

**WHEREAS**, funds are available and have been certified as such by the Chief Finance Officer said certification is attached to this resolution; and

**WHEREAS**, CME Associates has submitted the required Political Contribution Disclosure form and other forms as required by N.J.S.A. 19:44A-20.26.

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bid must be publicly advertised.

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey as follows:

1. The action of the Mayor and Township Administrator/Clerk to authorize and execute the agreement with CME Associates for Planning and Engineering Consulting and Advisory Services for the Sunnymeade Landfill Redevelopment, in an amount not to exceed \$17,000., pursuant to their proposal dated March 31, 2010.

2. This contract is awarded without competitive bidding as a "Non Fair & Open Professional Service" in accordance with N.J.S.A. 40A:11-5(1)a of the Local Public Contracts Law because these services will be performed by a person authorized by law to practice a recognized profession, whose practice is regulated by law, the performance of which service requires knowledge of an advance type in a field of learning acquired by a prolonged formal course of specialized instructions as distinguished from general academic instruction or apprenticeship and training.
3. The Mayor and Township Administrator/Clerk are hereby authorized to execute the Township's standard form of agreement for "Professional Services" and any modifications thereto and related constituent documents as may be found acceptable by the Township Committee.
4. A notice of this action shall be printed once in the official Township newspaper.

Mayor DelCore stated as we have discussed previously, the Sunnymead landfill requires NJDEP approved capping and closure with a cost estimate that exceeds \$1 million. The Township's plan has been to seek a private entity to take over the property and cover all or part of the cost of the capping and closure, relieving the taxpayers of that liability and adding the property to the tax rolls. The landfill has been designated an area in need of redevelopment, which creates greater opportunity for its commercial development.

Mayor DelCore reported last October, working with CME Associates, the Township offered a solicitation of interest in the property. Several parties have now expressed an interest in the redevelopment of the property.

Mayor DelCore said CME Associates will provide the Township with continued assistance in evaluating proposals when they are submitted by private entities, and guiding and monitoring the transfer of clean up responsibilities from the Township to the new owner, if that comes to pass. This will include the development of a Memorandum of Agreement between the parties, to be approved by the NJDEP.

Mayor DelCore reported this expenditure is an investment by the Township that can reap a million dollar savings for the taxpayers, when the cost of the landfill closure is taken over by a private entity.

Upon motion by Deputy Mayor McCauley seconded by Committeeman Suraci, the aforesaid resolution was unanimously approved upon call of the roll.

6. Resolution appointing William Cooper, III to represent the Township of Hillsborough as Special Counsel for the Tax Appeal matter of Bank of America v. Hillsborough Township, at the rate of \$135.00 per hour.

**WHEREAS**, the Township's Attorney's law firm cannot represent the Township of Hillsborough in that tax appeal filed by Bank of America, because of a conflict; and

**WHEREAS**, in the past, under these circumstances, the Township has appointed William Cooper, III, who also serves as 2<sup>nd</sup> Public Defender, to handle the tax appeal, at the rate of \$135.00 per hour.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey appoints William Cooper, III to represent the Township of Hillsborough in that tax appeal filed by Bank of America, at the rate of \$135.00 per hour.

Mayor DelCore reported the Township Attorney's law firm is conflicted out on this Tax Appeal and another attorney needs to be retained to handle the matter for the Township. Mr. Cooper has successfully handled these assignments for Hillsborough in the past.

Upon motion by Committeeman Wagner seconded by Committeeman Suraci, the aforesaid resolution was unanimously approved upon call of the roll.

7. Resolution terminating the contract awarded to My NJ Office, LLC, on January 5, 2010, for Printing Services for the period of January 1, 2010 to December 31, 2011.

**WHEREAS**, on January 5, 2010, by way of resolution, the Township Committee awarded a contract for printing services, for the period from January 1, 2010 to December 31, 2011, to My NJ Office, LLC; and

**WHEREAS**, subsequent to the aforementioned award, the Township of Hillsborough entered into an agreement for products, goods, supplies and equipment with My NJ Office, LLC on January 6, 2010; and

**WHEREAS**, section nine (9) of said contract, titled "Assignment of Subletting", states that the "Contractor covenants and agrees not to assign or sublet the work specified or covered under the terms of this contract without the prior approval, in writing, of the Township"; and

**WHEREAS**, the Township has been informed by My NJ Office, LLC that printing projects have been contracted out to other printers without prior approval of the Township; and

**WHEREAS**, section six (6) in said contract, titled "Termination", states that "the Township may terminate the agreement by thirty (30) days written notice"; and

**WHEREAS**, it is the desire of the Township of Hillsborough to terminate the current agreement with My NJ Office, LLC by issuing the thirty (30) days written notice, as required by the agreement dated January 6, 2010.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that it does hereby authorize the Township Administrator/Clerk to terminate the agreement for products, goods, supplies and equipment with My NJ Office, LLC, dated January 6, 2010, by issuing the thirty (30) days written notice, in accordance with the agreement.

Mayor DelCore reported the printing firm awarded the contract for Township printing as the lowest bidder has not met the requirements of the contract and, therefore, the Township is exercising its right to terminate the contract.

Upon motion by Deputy Mayor McCauley seconded by Committeeman Wagner, the aforesaid resolution was unanimously approved upon call of the roll.

8. Resolution authorizing a preliminary notice to Somerset County regarding the extension of the consolidation of Dispatch Services by the County's 9-1-1 Communication Unit to include the Hillsborough Police Department and appointing a Consolidation Review Sub-Committee.

**WHEREAS**, Somerset County is offering to extend dispatch communication services for the Hillsborough Police Department; and

**WHEREAS**, Somerset County's 9-1-1 Communications Unit presently provides direct dispatch services for the Hillsborough Rescue Squad and the Hillsborough Volunteer Fire Companies; and

**WHEREAS**, the consolidation of local dispatch services with Somerset County can produce a significant municipal budget savings for Hillsborough taxpayers; and

**WHEREAS**, the effectiveness of Police dispatch operations is vital to both the public and to Police Officers responding to emergency calls and, therefore, there is a need to examine the factors of the transition to a consolidated dispatch service with Somerset County that ensures continued effectiveness in Police operations.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that a preliminary notice of interest to consolidate dispatch services with Somerset County be forwarded to the Somerset County Board of Chosen Freeholders.

**BE IT FURTHER RESOLVED**, that a Consolidation Review Sub-committee be formed, consisting of Township Committee members Anthony Ferrera and Carl Suraci, Police Chief Paul Kaminsky, and Township Administrator Kevin P. Davis, to thoroughly examine the transition issues for consolidation of dispatch services, to coordinate on transition issues with an appropriate team appointed by Somerset County, and to provide a report on the timing, cost, feasibility and other issues regarding the consolidation of dispatch services to the Township Committee.

Mayor DelCore reported the consolidation of Police dispatch services with Somerset County's 9-1-1 Communications Unit, in order to achieve savings for the taxpayers, is a matter that must be seriously considered.

Mayor Delcore explained right now, 9-1-1 calls made in Hillsborough go to the county communications unit in Somerville and, for Police matters, the calls are then transferred to Hillsborough's Police Dispatch.

Mayor DelCore said when 9-1-1 calls are made in Hillsborough for assistance from Hillsborough's Rescue Squad or Hillsborough's volunteer fire companies; the county unit in Somerville already directly dispatches both Rescue and Fire.

Mayor DelCore reported the consolidation of Police Dispatch will produce a savings for taxpayers, as local dispatch services cost nearly \$600,000. That alone requires serious attention. There are capital improvement costs that must be expended to achieve consolidation – these, however, would be one-time expenditures, while the savings will be annually recurring.

Mayor DelCore said there may be a need to bolster clerical personnel in the Police Department and there may be other costs. The fact is, in the end, the consolidation of services will result in a significant savings for taxpayers; there can be no disagreement on that.

Mayor DelCore said there are, however, also other questions that must be taken into consideration. Most importantly, will consolidated dispatch services continue to provide effective service for the public and Police Officers. That must be reviewed.

Mayor DelCore said what is the timing of the consolidation? What upgrades are needed for the county's communication to take on the consolidation? How will it actually function, what will happen when there are multiple simultaneous calls, will county dispatch personnel have the familiarity with Hillsborough that is necessary, how will the Police Department handle walk ins in the future? Hillsborough Dispatchers have additional responsibilities beyond dispatch, how will those responsibilities be re-organized by the Police Department? These and others are legitimate questions that will require answers before a final move on consolidation can be made.

Mayor DelCore said however, as he stated at the beginning of this year, the Township Committee will be looking to find cost savings for taxpayers wherever the opportunity presents itself. The Mayor said then that everything was on the table, that nothing is off limits and he meant it.

Mayor DelCore said in line with our guiding philosophy, we will take a business-like approach to the consolidation issue. There needs to be a cost benefit analysis for the people and taxpayers of Hillsborough. There should be no rush to judgment, but instead there needs to be a thoughtful and deliberative consideration.

Mayor DelCore stated we are asking Police Committee Chairman Anthony Ferrera and Finance Committee Chairman Carl Suraci to work together with the Police Chief and the Township Administrator to develop answers to the questions outlined, and many others. To determine what the costs may be to the Township, to ensure that consolidated dispatch will provide the level of service we need in Hillsborough, and to coordinate with a County communications team designated to assist Hillsborough. Only after this review takes place can a final decision be made.

Mayor DelCore said there is a right way to do this and the Township Committee will do it the right way.

Committeeman Ferrera said he could not agree more that this issue must be examined very carefully and in detail. He agrees there is no argument in regard to potential savings. However, of equal value is the level of service required by our residents and our Police Officers.

Committeeman Ferrera said his greatest concern will be the ability of the county communications unit to take on the very heavy calls for service load that Hillsborough will bring to the county. He expects the county unit will have to add dispatchers to their present staffing level and expand their equipment to ensure the level of service Hillsborough requires. The timeline for a transition also needs to be clearly defined and understood.

Committeeman Ferrera stated we will be in contact with many of the communities that have successfully moved to a county or regional consolidation of dispatch services to understand their experience.

Committeeman Ferrera said he wants to point out, very strongly, that this consideration in no way reflects on the performance or ability of Hillsborough's current Police Dispatch unit. This group has continually performed in an excellent manner, many times under extreme pressure.

Committeeman Ferrera stated the fact is, as the Police Committee Chairman, he will examine these details very closely. We all know, however, that as the Mayor has said, everything is on the table to find savings for taxpayers, so the Township Committee would be extremely remiss for not looking into this area for potential savings.

Committeeman Ferrera said he is looking forward to work with Committeeman Suraci and Chief Kaminsky in evaluating and doing what is best for the residents and the Police Department.

Committeeman Suraci said the opportunity to consolidate services with Somerset County in order to save tax dollars, where it works in Hillsborough's interest, is, in his opinion something that must be considered.

Committeeman Suraci stated the consolidation of dispatch services is clearly a very real opportunity for the taxpayers. There are, however, numerous issues that must be explored, as the Mayor has noted.

Committeeman Suraci said we must determine what costs will confront the Township, both the upfront communications equipment and software costs, and any continuing staffing and maintenance of equipment costs. Those costs need to be netted against the overall reduction in local dispatch service costs, for a true financial picture which should still be positive.

Committeeman Suraci noted numerous communities are already involved with the consolidation of dispatch services – Branchburg has had county dispatch for many years. Last year Montgomery moved to consolidate with the county, we can benefit from understanding their issues and their experience.

Committeeman Suraci said we know that Gloucester County now provides county dispatch for all their communities, including the large south Jersey community of Washington Township, which has a population of over 47,000 and a Police Department that is larger than Hillsborough's. Hillsborough will not be guinea pigs in this effort. It has been implemented and presumably found successful elsewhere in New Jersey. We will look to the officials in those communities for information on their experiences.

Committeeman Suraci said he agrees this should entail a thorough and thoughtful approach and he looks forward to being involved in that process.

Upon motion by Committeeman Suraci seconded by Committeeman Ferrera, the aforesaid resolution was unanimously approved upon call of the roll.

9. Resolution authorizing the Township Administrator/Clerk to issue layoff notices to all employees represented by Collective Bargaining Units effective July 1, 2010.

**WHEREAS**, the current economic and financial conditions facing the Township have made it necessary for the Township to consider various cost-savings measures, including the permanent layoff of some employees; and

**WHEREAS**, the collective bargaining agreement between the Township and AFSCME Local 3697-Council 73, PBA Local 205, Dispatchers Local 701 and Hillsborough Public Works Employees Association gives the Township the right to lay off employees covered by the agreements in the event of lack of funds or under conditions where continuation of such work would be inefficient and/or non-productive; and

**WHEREAS**, the aforesaid collective bargaining agreements between the Township and the various bargaining units, as well as the Hillsborough Township Employee Handbook, require that all union employees be given a forty-five (45) calendar day written notice prior to layoffs.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the Township Administrator/Clerk is hereby authorized to execute and issue layoff notices to all employees represented by collective bargaining units in the form as attached hereto as Exhibit A, on behalf of the Township, advising said employees that they may be laid off effective July 1, 2010.

Mayor DelCore said this resolution authorizes the Administrator to issue layoff notices, effective July 1, to the 127 full time Hillsborough employees covered by union contracts. It is a step; we are advised by Personnel Counsel that is required in order to provide the opportunity to reduce personnel for reasons of economy, if it is necessary.

Mayor DelCore said these layoff notices are a prerequisite to any personnel action that may be taken by the Township including furloughs or layoffs in the future.

Mayor DelCore said we are advised that to eliminate any number of positions or reduce any number of personnel, all employees in collective bargaining units must receive the notice.

Mayor DelCore stated the Township Committee has great respect and appreciation for our employees, but this is a business decision. While there has been a significant reduction in full time personnel over the years through attrition, the issue confronting Hillsborough now is not having too many employees or employees who do not work hard enough, it is simply that the cost of employees; salaries, health benefits, pension costs, and other benefits, has grown too high for the taxpayers. Mayor DelCore said the fault for that belongs with the state rules for collective bargaining that are skewed monumentally in favor of unions.

Mayor DelCore stated those rules have to change. Governor Christie has said he will seek those changes and we will support his efforts. But in the mean time, Hillsborough has lost over \$800,000 in state aid this year, and along with mandated increases in health benefit and pension costs, and other mandated cost increases outside our control, to hold down taxes the Township needs to reduce personnel costs. There is no other alternative.

Mayor Delcore said the union leadership representing the different employee groups has already acknowledged they may be willing to play a role in helping to reduce those costs and will try to work with the Township to avoid layoffs. Mayor DelCore said we appreciate that. However, because of the notice provisions in union contracts, the authorization for layoff notices must be approved now.

Mayor DelCore said he wants to be clear on this, the union requirements are such that we need to issue the notices to all employees, that does not mean that we are terminating or laying-off. Mayor DelCore said this is a prerequisite.

Committeeman Suraci said authorizing layoff notices for employees is a drastic step. It is one forced on the Township Committee by a number of circumstances; mandated cost increases for health benefits, pensions, general insurance, and fire hydrants total \$683,000 – that amount already exceeds the state's 4% tax cap.

Committeeman Suraci reported contractual salary increases in union contracts for 2010 add another \$300,000. Then the state's reduction in consolidated municipal aid of \$218,000 and also an energy tax receipts of \$620,000 for a total of \$838,000 in state reductions. There is simply no way to fashion a budget without a reduction in personnel costs, either through layoffs or through salary accommodation from the unions. In order to affect layoffs, employees are entitled by contract to notice; therefore the Township Committee must authorize that notice now.

Committeeman Suraci said the Township is willing to work with the unions to find ways to reduce employee costs, however without cooperation, there will be layoffs. It is not pleasant, but it is reality.

Deputy Mayor McCauley said herself and Committeeman Suraci, as the Finance Committee, has been through the budget with the Administrator and CFO on numerous occasions.

Deputy Mayor McCauley said we have dug out every opportunity to find savings and cut spending. The government, however, must operate. Police officers must still patrol our streets, gasoline and fuel must be paid for, lights and heat, when there are winter storms DPW is called in on overtime, roads must be fixed, grass must be cut, fields maintained, culverts cleared, broken equipment must be fixed or replaced, budgets must be monitored, taxes collected, court must be operated, insurance must be paid, state mandated requirements must be met in administration, health and planning, zoning, and engineering, and building inspections must still take place.

Deputy Mayor McCauley stated what we have done is tightened those costs further than ever while continuing to place a premium on the delivery of services for residents. As the Mayor said, we are not overstaffed here in Hillsborough. The Township has been reducing the headcount over the years. But even so, the only area left to address now is the cost of employees.

Deputy Mayor McCauley said it is her sincere hope that the various collective bargaining units will be able to work with the Township Committee in the coming weeks to achieve needed savings, which will prevent the layoff of employees.

Mr. Michael Izzo questioned what is going on with the non-union employees. Mr. Izzo asked if the non-union employees are being asked to take any action.

Mayor Delcore said yes they are. Mr. Davis said the non-union employees don't require the notice that the union employees do. Mayor DelCore said we are working across the entire employee base and the requirements are different.

Upon motion by Committeeman Suraci seconded by Committeeman Ferrera, the aforesaid resolution was unanimously approved upon call of the roll.

## CONSENTS

Mayor DelCore offered the following consent agenda:

1. Resolution approving an application for a raffle license by Summit Speech School for an event to be held on May 12, 2010.

**WHEREAS**, an application for a raffle license has been filed by Summit Speech School for raffle being held on May 12, 2010; and

**WHEREAS**, the submitted application form was complete in all respects.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that it hereby approves the raffle application #1165 to Summit Speech School for raffle being held on May 12, 2010.

2. Resolution authorizing the Three Bridges Volunteer Fire Company to hold their Third Annual Five (5) Mile Run on Saturday, August 21, 2010 pursuant to the requirements outlined by Chief Paul Kaminsky.

**WHEREAS**, the Three Bridges Fire Company wishes to hold a 5 mile road race through portions of Hillsborough; and

**WHEREAS**, the organizations have requested the run travel through portions of Hillsborough Township; and

**WHEREAS**, Chief Kaminsky and Hillsborough Township Police Department's Traffic Safety Bureau have determined that the planned route will provide an acceptable level of safety for the runners.

**NOW, THEREFORE**, be it resolved by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the Three Bridges Fire Company is hereby authorized to hold a 5 mile road race through portions of Hillsborough Township on August 21, 2010.

3. Resolution authorizing the transfer from Planning/Board of Adjustment escrow to the Treasurer's Account.

**WHEREAS**, that in accordance with the following summary of accrued Planning and Zoning charges related to plan review for January, February and March 2010, a total of \$2,611.50 should be transferred from the Planning/Board of Adjustment Escrow Accounts into the Treasurers Account as indicated; and

**WHEREAS**, that each of the project line items has been verified against the Treasurer's Office account records for the period beginning 01/01/10 and ending 03/31/10 to ensure that sufficient funds are available for these transfers for unanticipated revenues.

**NOW, THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that a total of \$2,611.50 is to be transferred from the Planning/Board of Adjustment Escrow Accounts into the Treasurers Account.

<u>Client</u>	<u>Project No.</u>	<u>Amount</u>
Distinctive Properties, LLC	09-PB-06-SRV	\$ 150.33
Finley, Thomas	BA-10-01	\$ 32.45
Gateway at Sunnymede	10-PB-01-Conversion	\$ 622.78
GC Landmarks, LLC	BA-06-10 (Remand)	\$ 118.97
Ruvolo, Giuseppe & Tami	BA-10-03	\$ 32.45
Hillsborough Towne Center Assoc.	09-PB-08-INF	\$ 1,395.88
Iannella, Sandro	BA-10-05	\$ 21.63
Mauger, Stephen & Karen	BA-10-02	\$ 32.45
MK Properties, LLC	BA-09-01	\$ 118.35
Roth, Jeffrey	BA-06-43	\$ 43.26
Worden, Kenneth	07-PB-15-MJ	\$ 42.95

**Total Transfer**

**\$ 2,611.50**

4. Resolution authorizing the Township Administrator/Clerk to request proposals for Geographic Information System (GIS) Services and Special Prosecutor and Litigation Counsel services for Jeffrey Roth v. the Board of Adjustment of the Township of Hillsborough and Township of Hillsborough through the Fair and Open Procurement Process, and Energy Savings Improvement Program and Energy Related Capital Services through the Competitive Contracting Process.

**WHEREAS**, the Township Committee of the Township of Hillsborough wishes to seek competitive responses for the continued provision of a Geographic Information System (GIS); and

**WHEREAS**, the Township Planner has recommended that a Special Prosecutor and Litigation Counsel are needed for the matter of Jeffrey Roth v. the Board of Adjustment of the Township of Hillsborough and Township of Hillsborough; and

**WHEREAS**, the Township wishes to seek competitive responses for the provision of Energy Savings Improvement Program and Energy Related Capital Services under P.L. 2009, c.4; and

**WHEREAS**, the Township Administrator/Clerk requests permission to solicit for Request For Proposal (RFP) responses for the aforementioned projects.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the Township Administrator/Clerk is hereby authorized to seek proposals for Geographic Information System (GIS) Services and Special Prosecutor and Litigation Counsel services for Jeffrey Roth v. the Board of Adjustment of the Township of Hillsborough and Township of Hillsborough through the Fair and Open Procurement Process, and to seek proposals for Energy Savings Improvement Program and Energy Related Capital Services through the Competitive Contracting process.

5. Resolution approving an application for a Raffle License by Manville-Hillsborough Elks #2119.

**WHEREAS**, an application for a raffle license has been filed by Manville-Hillsborough Elks #2119 for raffles being to be held on from March 10, 2010 through March 10, 2011; and

**WHEREAS**, the submitted application form was complete in all respects.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that it hereby approves raffle application #1171 to Manville-Hillsborough Elks #2119 for raffles being held from March 10, 2010 through March 10, 2011.

6. Resolution approving an application for a Raffle License by St. Mary's Byzantine Catholic Church – PTA.

**WHEREAS**, an application for a raffle license has been filed by St. Mary's Byzantine Catholic Church – PTA for raffle to be held on April 19, 2010; and

**WHEREAS**, the submitted application form was complete in all respects.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that it hereby approves raffle application #1170 to St. Mary's Byzantine Catholic Church - PTA for raffle being held April 19, 2010.

7. Resolution approving an application for Two (2) Raffle Licenses by Hillsborough Rotary Club.

**WHEREAS**, an application for a raffle license has been filed by Hillsborough Rotary Club for raffles to be held on May 2, 2010; and

**WHEREAS**, the submitted application form was complete in all respects.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that it hereby approves raffle applications #1174 and #1175 to Hillsborough Rotary Club for raffles being held May 2, 2010.

8. Resolution authorizing the transfer of earned amounts, in an amount of \$9,578.68, from the Subdivision and Site Plan Engineering Trust Accounts to the Treasurer's Account.

**WHEREAS**, in accordance with the following summary of accrued Engineering charges related to various indicated projects, a total of \$9,578.68 should be transferred from the Subdivision and Site Plan Engineering Trust Accounts into the Treasurer's Account as indicated; and

**WHEREAS**, each of the project line items has been verified against the Treasurer's Office account records through April 9, 2010, to ensure that sufficient funds are available for these transfers of unanticipated revenues.

**NOW, THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that a total of \$9,578.68 is to be transferred from the Engineering Escrow Accounts into the Treasurers Account.

<u>Client</u>	<u>Number</u>	<u>Transfer Amount</u>
Country Classics 3D	559	-2,222.18
Country Classics 3C	331	-1,082.88
High Branch Land, Inc.	373	-66.58
Hillsborough Chase II	488	-510.68
Hillsborough Estates	539	-1,259.08
Kiddie Academy	542	-110.33
Kosinski 2008-37	530	-41.48
Pleabeazin	477	-1,590.60
Pleasant View Estates III	490	-453.51
Rd opening 2009-29 NJ American	554	-1,543.68
Rd opening 2010-03 PSE&G	562	-41.48
Roycebrook Meadows	489	-87.32
Senior living Solutions	558	-216.30
Westmeade Development	450	-352.58
Grand Total		-9,578.68

9. Resolution approving the request from Quick Chek for the release of Cash Bond, in the amount of \$5,000.00, Inspection Fees, in the amount of \$5,163.09 and a transfer from the Engineering Inspection Account, in the amount of \$154.08.

**WHEREAS**, a request has been received from Quick Chek for the release of cash bond, inspection fees, and a transfer from the Engineering Inspection Account to the Hillsborough General Account retained for site deficiencies for Block 141, Lot 16.01; and

**WHEREAS**, the Assistant Township Engineer certifies that all work has been satisfactorily completed; and

**WHEREAS**, the Assistant Township Engineer recommends that the Township Committee take action to release \$5,000.00 for the cash bond, \$5,163.09 for inspection fees and transfers \$154.08 from the Engineering Inspection Account to the Hillsborough General Account.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that the recommendation of the Assistant Township Engineer is hereby accepted and approved.

10. Resolution approving an application for a Raffle License by Sunnymeade Home and School Association for an event to held on April 23, 2010.

**WHEREAS**, an application for a raffle license has been filed by Sunnymeade Home and School Association for raffle being held on April 23, 2010; and

**WHEREAS**, the submitted application form was complete in all respects.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that it hereby approves the raffle application #1168 to Sunnymeade Home and School Association for raffle being held on April 23, 2010.

Upon motion by Committeeman Wagner, seconded by Deputy Mayor McCauley, the consent agenda was unanimously approved upon call of the roll.

#### **CLAIMS LIST**

Mayor DelCore presented Claims List 2010-07

Upon motion by Committeeman Wagner, seconded by Deputy Mayor McCauley, Claims List 2010-07 was unanimously approved upon call of the roll.

**ADJOURNMENT**

Upon motion by Committeeman Ferrera, seconded by Committeeman Suraci, the meeting duly adjourned at 9:16 p.m. Said motion was carried unanimously upon voice vote.

Attested:

Kevin P. Davis, RMC, QPA  
Township Administrator/Clerk